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Attorney for Defendant
JOHN GIMBEL

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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UNITED STATES OF AMERICA,
Plaintiff,

CR. 09-00989-MHP

vs.

JOHN GIMBEL,
Defendant.

**STIPULATION AND PROPOSED
ORDER TO CONTINUE DATE FOR
HEARING ON DEFENDANT'S
MOTION TO DISMISS**

Defendant JOHN GIMBEL, by and through his counsel of record Michael Stepanian, and Assistant U.S. Attorney Kevin Barry hereby stipulate and agree that the hearing on defendant's Motion To Dismiss shall be continued from June 30, 2010 to July 15, 2010 at 10 a.m.

Defense counsel is unavailable on June 30th and this new date will afford sufficient time for government counsel to prepare their opposition pleadings. The parties agree that, taking into account the public interest in prompt disposition of criminal cases, good cause exists for this extension. Defendant also agrees to exclude for this period of time any time limits applicable under 18 U.S.C. Section 3161. The parties represent that the continuance is the reasonable time necessary for continuity of defense counsel and

effective preparation of counsel, taking into account the exercise of due diligence. 18 U.S.C. Section 3161(h)(8)(B)(iv). The parties also agree that the ends of justice served by granting such a continuance outweigh the best interests of the public and the defendant in a speedy trial. 18 U.S.C. Section 3161(h)(8)(A).

Date: June 8, 2010

/s/ Michael Stepanian
MICHAEL STEPANIAN
Counsel for Defendant
John Gimbel

Date: June 8, 2010

/s/ Kevin Barry
KEVIN BARRY
Assistant United States Attorney

For the reasons stated above, the Court hereby continues the hearing from June 30, 2010 to July 15, 2010. The Court further finds that an exclusion of time from June 30, 2010 through July 15, 2010 is warranted and that the ends of justice served by the continuance outweigh the best interests of the public and the defendant in a speedy trial. See 18 U.S.C. Section 3161(h)(8)(A). The failure to grant the requested continuance would deny the defendant continuity of counsel and would deny defense counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence, and would result in a miscarriage of justice. 18 U.S.C. Section 3161(h)(8)(B)(iv).

SO ORDERED.

Date: June 18, 2010

